

AUSA Assigned: MJE

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

County of Investigation: Okanogan

Mar 18, 2024

SEAN F. McAVOY, CLERK

In Re: Affidavit for Criminal Complaint charging ERIC SHANE LADUCER, with Assault Resulting in Substantial Injury to a Spouse, Intimate Partner, or Dating Partner in Indian Country

AFFIDAVIT

[illegible]

INTRODUCTION AND AGENT BACKGROUND

1. I, Lindsay McIntosh, Special Agent, being first duly sworn on oath, depose and state the following:

2. Your affiant is a Special Agent (SA) for the Federal Bureau of Investigation (FBI). This affidavit is in support of a Criminal Complaint charging Eric Shane LADUCER with Assault Resulting in Substantial Injury to a Spouse, Intimate Partner, or Dating Partner in Indian Country, in violation of 18 U.S.C. §§ 113(a)(7), 1153.

3. Your affiant has been employed with the Federal Bureau of Investigation (FBI) since December of 2021. Your affiant is currently assigned to the FBI's Spokane Resident Agency. Your affiant is currently assigned to investigating violent crimes in Indian Country on the Colville, Spokane, and Kalispel Indian Reservations. As an FBI Special Agent, your affiant has received extensive training in a variety of investigative and legal matters of violations of federal and state law. Your affiant has participated in numerous investigations.

4. Prior to your affiant's employment with the FBI, your affiant was a certified law enforcement officer in the state of New Mexico from 2015-2021.

During this time, your affiant was assigned to investigate various crimes including but not exclusive to violent crimes.

5. Your affiant is “an investigative or law enforcement officer of the United States” within the meaning of Section 2510 (7) of Title 18, United States Code. Your affiant is, therefore, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code.

6. This affidavit does not contain all of the information known to your affiant or to law enforcement regarding this investigation, but rather contains only those facts believed to be necessary to support the criminal complaint. Your affiant has personally participated in this investigation and the following information is derived from my personal observations, review of official documents, and information provided by other sworn law enforcement officers.

INVESTIGATION AND PROBABLE CAUSE

7. As set forth herein, your affiant submits there is probable cause to believe that Eric Shane LADUCER (hereafter “LADUCER”), an enrolled member of the Confederated Tribes of the Colville Reservation, violated 18 U.S.C. §§ 113(a)(7), 1153. As described in further detail below, the Victim (hereafter “Victim 1”) has reported that she was assaulted by her spouse, LADUCER, between January 25 and January 26, 2024, within the external boundaries of the Confederated Tribes of the Colville Reservation. Victim 1’s¹ account is detailed below, as well as supporting physical evidence and medical information. The allegations and subsequent investigation are described in greater detail below.

¹ Your affiant is aware Victim 1 is currently pending state charges for Assault in the First Degree with a Deadly Weapon/ Force for a shooting involving Rose Ferguson. Your affiant is generally aware that, on December 29, 2023, Victim 1 is alleged to have fired shots into Rose Ferguson’s house in Omak, Washington. Your affiant has also been informed by officers with the Colville Tribal Police Department, that LADUCER has been engaged in an intimate relationship with Ferguson while married to Victim 1.

STATEMENT OF PROBABLE CAUSE

First Interview with Victim

8. On January 28, 2024, Officer Jeremy Cantrell² with the Colville Tribal Police Department (CTPD) was advised of an extra patrol requested at 114 Moccasin Flat, Omak, WA 98841. Officer Cantrell was then dispatched to the residence of Victim 1. Victim 1 advised LADUCER had been at the residence but had left. Victim 1 disclosed information regarding a domestic dispute that occurred on January 25, 2024.³ Victim 1 advised that on January 25, 2024, on her birthday, LADUCER arrived at the residence intoxicated. LADUCER kicked in the front door of the residence while Victim 1 was sleeping on the couch. Victim 1 ran into the bedroom and attempted to hide in the corner because she feared for her life. Victim 1 advised LADUCER had a black pistol and followed her into the bedroom. Victim 1 stated LADUCER shot into the ceiling and the bed approximately three times. Victim 1 was struck in the head with what she believed to be a vase of some sort. Victim 1 advised she was also hit in the hand and believed her left-hand pinky finger was broken.

9. Officer Cantrell observed Victim 1's hand and observed that it was bruised and swollen. Officer Cantrell also observed dried blood on the top right side of her head that appeared to be scabbing over. Officer Cantrell observed an empty 9 mm casing in the hallway by the bedroom. Red stains consistent with blood were observed on a pillow, the bed, and sheets.

² The below is your affiant's summary of Officer Cantrell's report concerning his contact with Victim 1 on January 28, 2024.

³ As noted below, Victim 1 later reported that the altercation occurred on January 26, 2024.

Second Interview with Victim

10. On January 31, 2024, a follow up interview was conducted with Victim 1. FBI Task Force Officer Jordan McNulty and CTPD Sergeant John Carman conducted this interview. Victim 1 disclosed the following information.⁴

11. According to Victim 1, LADUCER had been released from tribal jail, come over to their residence, and kicked in the front door. Victim 1 was sleeping and did not hear LADUCER kick in the door. LADUCER came into her room and was yelling, “Where’s he at? Where is he at?” Victim 1 explained that LADUCER was talking about his friend Dustin (later identified as Dustin Hayes), who helped bail her out of jail and helped with bringing her belongings.⁵ Victim 1 told LADUCER, “I don’t know what you’re talking about.” LADUCER hit Victim 1 in the head with the gun. Victim 1 described the gun as a black and gold 9mm. LADUCER told Victim 1 that he had taken the gun from someone when he was released from jail. Victim 1 only recalled hearing the gun go off once.⁶ Victim 1 knew the gun went off more than one time because she saw 3 casings in the room. Her head was bleeding and she believed LADUCER smashed a lamp on her head. Victim 1 described having her hands up in front of her face and believed LADUCER hit her hand with the gun in an attempt to get her hands away from her face. According to Victim 1, LADUCER broke her finger.

12. LADUCER eventually calmed down and left in a red expedition. After leaving, LADUCER returned with flowers and then left in the Expedition again. LADUCER kept calling Victim 1 and was making threats about coming back.

⁴ The below is your affiant’s summary of TFO McNulty’s report concerning her contact with Victim 1 on January 31, 2024. Your affiant understands that the interview was recorded; your affiant has not listened to the recording and is relying on TFO McNulty’s report for the below summary.

⁵ At other times during the interview, Victim 1 said that LADUCER yelled “I know you’re fucking Dustin.”

⁶ At other times during the interview, Victim 1 stated that she was unclear as to whether the gun had fired during the altercation.

13. Victim 1 described having her hands up in front of her face trying to protect her face and her head. Victim 1 recalled being hit in the hand with the gun and it broke her pinky finger. Victim 1 disclosed being on the bed and being hit repeatedly by LADUCER. At some point during the altercation, Victim 1 got off the bed and went into the corner. LADUCER told Victim 1, “You’re going to die tonight.” LADUCER was out of his mind and was having an episode. Victim 1 was scared and disclosed this was not normal behavior for LADUCER. Victim 1 described being in the corner of the room when the gun went off. Victim 1 said there are blood smears in the corner of the room from her head. Victim 1 said the hospital believed one bullet may have grazed her head. On January 30, 2024, Victim 1 went to the Mid Valley Hospital located at 810 Jasmine Street, Omak, WA 98841.

14. Based on the recorded statement and the investigation TFO McNulty believed the assault occurred on January 26, 2024.

15. Victim 1 then described LADUCER returning to the residence early in the morning of January 28, 2024. Victim 1 said there was only a day in between from the first incident to when LADUCER returned. LADUCER came through a window one of the times he returned to the residence. Victim 1 went outside and hid. LADUCER left and she went back inside. LADUCER returned a third time. Victim 1 then called 911, which resulted in Officer Cantrell being dispatched to her residence. Victim 1 disclosed that the first time she had called dispatch she hid outside. Victim 1 recalled speaking with Officer Cantrell and when Victim 1 went into her room, she saw her headboard was down on her bed and believed LADUCER had crawled through the window. Victim 1 said she began calling the cops when LADUCER came back because she was scared. Victim 1 said she was hiding outside when LADUCER came back. Victim 1 heard LADUCER come out of the back door and say, “Okay bitch.” Victim 1 did not see LADUCER with the gun the second time but assumed he had one based on the threats LADUCER was making over the

phone. Victim 1 said LADUCER told her over the phone, “Bitch you better say a prayer.” Victim 1 explained when LADUCER returned, she ran out the back doors located near the kitchen. Victim 1 hid behind the BBQ located on the back deck. LADUCER came out looking for Victim 1 and never found her. Victim 1 was on the phone with dispatch at the time LADUCER came back. LADUCER left and Victim 1 went back inside.

16. Victim 1 didn’t remember a lot and believed it was because she was hit in the head. Victim 1 doesn’t remember if she lost consciousness. Victim 1 denied taking any medication that would cause her to have memory loss. Victim 1 disclosed that she takes Suboxone and has been taking it for a long time.

17. Victim 1 disclosed she didn’t call the cops the night of the gun incident as she was scared and is on house arrest. Victim 1 was worried about getting into trouble. Victim 1 said there was a protection order in place protecting LADUCER. Victim 1 was worried she would get into trouble for the no contact order being violated.

18. Victim 1 had a follow up appointment scheduled for the injury to her hand to determine whether she needed surgery. TFO McNulty observed Victim 1’s left pinky finger which appeared to be visibly broken and swollen. It was pink, and purple in color, and partially wrapped with an Ace bandage. Victim 1 decided to go to the hospital after washing out the blood from her hair. Victim 1 was concerned she might have fragments in her head. Per Victim 1, a CT scan revealed no fragments in her head.

Medical Record Information

19. Per TFO McNulty’s report, medical records revealed Victim 1 had sustained the following injuries:

1. Scalp Laceration

2. Finger Fracture

Findings:

Acute comminuted and mildly displaced fracture of the fifth middle phalanx.

Fracture extends into the proximal interphalangeal joint space. There is a tiny free-floating calcific fragment along the lateral margin of the distal proximal phalanx.

CONCLUSION

20. Based upon the information above and my knowledge and experience, there is probable cause to believe ERIC SHANE LADUCER violated 18 U.S.C. §§ 113(a)(7), 1153 (Assault Resulting in Substantial Injury to a Spouse, Intimate Partner, or Dating Partner in Indian Country) by breaking Victim 1's fifth middle phalanx – *i.e.* a bone in Victim 1's pinky finger. As noted herein, LADUCER is an enrolled member of the Confederated Tribes of the Colville Reservation and the crime occurred on the Colville Indian Reservation.

Lindsay McIntosh

Lindsay McIntosh, Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to telephonically and electronically before
me this day of March , 2024. on March 18, 2024. *JAG*



James A. Goeke

James A. Goeke
United States Magistrate Judge